

Application No.: 09/998,131
Art Unit 2825

Attorney Docket No. 0763-0207P
Amendment filed on August 18, 2003
Page 8

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-21 are now present in this application. Claims 1, 10 and 21 are independent. Claims 1 and 10 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Examiner's Interview

Applicants' representative conducted an interview with the Examiner on July 15, 2003. The Applicants' representative argued extensively that the silicide layer 110 was essential to the Doyle patent, and therefore any embodiment that does not include this layer would have the effect of removing the most apparent useful feature of the Doyle patent. The Examiner maintained the position that silicide layer 110 is not necessary.

Rejection Under 35 U.S.C. § 102

Claim 21 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,025,254 to Doyle et. al. (Doyle). This rejection is respectfully traversed.

Application No.: 09/998,131
Art Unit 2825

Attorney Docket No. 0763-0207P
Amendment filed on August 18, 2003
Page 9

In a Request for Reconsideration filed on April 16, 2003, the Applicants argued extensively that the silicide layer 110 goes to the heart of the Doyle patent, and without it, the most useful features of the Doyle patent are removed. Those arguments are incorporated herein by reference.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doyle in view of Broadbent et al. (IEEE Transactions on Electron Devices Vol. 36.No.11, November 1989). This rejection is respectfully traversed.

In a Request for Consideration filed on April 16, 2003, the Applicants argued extensively the silicide layer 110 goes to the heart of the Doyle patent, and without it, the most useful features of the Doyle patent are removed. Those arguments are incorporated herein by reference.

Further, Applicants respectfully submit that independent claims 1 and 10 have been amended to recite a combination of steps in a method for forming a gate in a semiconductor device, including an insulating film having a portion above the gate that is thicker than the gate, and a portion on an entire surface of the substrate that is thicker than the gate. Applicants respectfully submit that

Application No.: 09/998,31
Art Unit 2825

Attorney Bracket No. 0763-0207P
Amendment filed on August 18, 2003
Page 10

this combination of elements as set forth in independent claims 1 and 10 is not disclosed or made obvious by the prior art of record, including Doyle.

Particularly, Doyle discloses a layer 114 that appears thicker than gate 104 at a portion that is on a surface of the substrate and at the sides of the gate 104 (see FIGS. 1(b) and 1(c) of Doyle). However, the thickness of a portion of layer 114 that is above the gate 104 is not thicker (but rather is thinner) than gate 104.

Therefore, Doyle fails to disclose or suggest a combination of steps in a method for forming a gate in a semiconductor device, including an *insulating film having a portion above the gate that is thicker than the gate, and a portion on an entire surface of the substrate that is thicker than the gate*, as recited in independent claims 1 and 10 (as amended). Broadbent et al. cannot fill this vacancy.

Claims 2-9 and 11-20 depend, either directly or indirectly on independent claims 1 and 10. Since neither Doyle, nor Broadbent et al. discloses or suggest the above-recited features of independent claims 1 and 10, Doyle in view of Broadbent et al. cannot render claims 1-20 obvious to one of ordinary skill in the art. Reconsideration and withdrawal of this art grounds of rejection are respectfully requested.

Application No.: 09/998,131
Art Unit 2825

Attorney Docket No. 0763-0207P
Amendment filed on August 18, 2003
Page 11

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Percy L. Square, Registration No. 51,084, at (703) 205-8034, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No.: 09/998,131
Art Unit 2825

Attorney Docket No. 0763-0207P
Amendment filed on August 18, 2003
Page 12

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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